

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:05-cr-163-03

v.

HON. ROBERT HOLMES BELL

JAMOKENTAYETTE CURTIS HAMPTON,

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Jamokenteyatte Curtis Hampton has filed duplicative motions for modification or reduction of sentence (ECF Nos. 1360 and 1369) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

However, because the defendant's base offense level was calculated under the career offender guideline and his high drug quantity drives the guidelines, the Probation Office has now found Defendant ineligible for a reduction in sentence under Guideline Amendment 782.

Defense counsel has filed a response to the report of eligibility, ECF No.1499, concurring that the career-offender designation precludes a reduction of sentence at this time. Defendant wishes to preserve the issue for future consideration should the law change. The government has filed a response to the Sentence Modification Report, ECF No. 1502, concurring with the Probation Department's assessment.

Therefore, IT IS HEREBY ORDERED that Defendant's motions for modification of sentence (ECF Nos. 1360 and 1369) pursuant to 18 U.S.C. § 3582(c)(2) are Denied.

Dated: March 29, 2016

/s/ Robert Holmes Bell

ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE